

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PARALLAX HEALTH SCIENCES, INC.,

Plaintiff,

- against -

EMA FINANCIAL, LLC,

Defendant.  
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**USDC SDNY**  
**DOCUMENT**  
**ELECTRONICALLY FILED**  
**DOC #:** \_\_\_\_\_  
**DATE FILED:** 8/26/2020

20 Civ. 02375 (LGS) (RWL)

**ORDER**

**ROBERT W. LEHRBURGER, United States Magistrate Judge.**

The Court is in receipt of the parties' status report and correspondence regarding outstanding discovery disputes in this case. (Dkt. 50, 52, 53.) Pursuant to the telephonic discovery conference held before the Court on August 26, 2020:

1. Defendant shall produce responsive, non-privileged documents for Plaintiff's requests identified as Category I in the parties' correspondence (i.e., the underlying transaction).

2. With respect to Plaintiff's Category II requests (i.e., third-party transactions), no later than **September 9, 2020**, (a) Defendant shall investigate what summary information is available to provide Plaintiff with the information sought; and (b) the parties shall meet and confer as needed to discuss whether the parties can agree on a resolution of the requests.

3. With respect to Plaintiff's Category III requests (i.e., primary income and business), the parties shall meet and confer to discuss whether Plaintiff's request may be satisfied with responses to interrogatories and/or requests to admit. If so, then no later than **September 9, 2020**, Plaintiff shall issue interrogatories and/or requests to admit to

provide the information sought; no later than 14 days after service of those requests, Defendant shall serve its responses. Alternatively, the parties may agree upon Defendant's producing documents containing summary data for the information sought.

4. In regard to Plaintiff's subpoenas directed to third parties, Defendant shall search for and produce and confirm to Plaintiff that Defendant has searched for and produced to Plaintiff the following materials, to the extent not privileged: any opinion letter pertaining to the transaction at issue; any documents provided by Defendant to counsel as a basis for the opinion letter; any correspondence related to the transmission of any the opinion letter to Defendant or any transfer agent; any retainer agreement associated with the opinion letter; and any invoice associated with work performed for the opinion letter (redacted for attorney-client privilege). Further service or enforcement of any third-party subpoenas shall be stayed.

5. Regarding Defendant's Document Request No. 65, Plaintiff shall produce any such materials provided or shown to Defendant. Production of marketing materials not provided or shown to Defendant is denied without prejudice.

SO ORDERED.



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ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

Dated: August 26, 2020  
New York, New York

Copies transmitted to all counsel of record.